

Notice of Allowability

Application No.

10/663,913

Examiner

Daniel A. Hess

Applicant(s)

KOMATSU, HITOSHI

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/14/2005 after final amendment.
2. ☒ The allowed claim(s) is/are 22-29.
3. ☒ The drawings filed on 17 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION / REASONS FOR ALLOWANCE

This action is in response to applicant's after-final amendment received 3/14/2005, which has been placed in the electronic file of record. In that after-final amendment, the applicant cancelled all subject matter that stood rejected, leaving only claims 22 to 29, which had been allowed. As a result, the instant application is hereby allowed.

Allowable Subject Matter

Claims 22-29 are allowed.

The following is an examiner's statement of reasons for allowance: As stated above, all claims that had been rejected have now been cancelled leaving only allowed claims. A final search did not turn up any art which teaches or suggests the claimed invention.

The nearest known prior art of record, Miyamoto (US 6,070,804) teaches all but the final limitation.

See entire document, but especially figure 3; column 6, line 40 to column 7, line 25. A voltage detecting system detects a voltage level due the incoming signal, which supplies power to the card. A writing system is present. The system determines both prior to (at step s2) and after (at step s8) writing, whether the power level -- as judged by the detected voltage -- is sufficient. If the answer is that it is not sufficient, then the system will be informed of such at s5 or s12 and a new attempt will be made to perform the write operation.

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The limitation that is lacking, is the final limitation of each independent claim:

“a setting section which sets the predetermined period of time in which the control section waits, in accordance with data prestored in the memory when the IC card starts by receiving the power wave for operations sent from the sending section of the external device.”

This limitation is neither taught nor suggested by the prior art of record. The prior art fails to suggest a reader that sets a delay between attempts to write to an IC card after a failure that has resulted from insufficient power available to the IC card at either the beginning or end of the previous write attempt.

This limitation finds ample support in the specification, on page 24, lines 1 to 11, on page 22 of the specification, and in figures 4 and 5; especially step s26 shown in figure 4, which should be compared with the specification at the top of page 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DH

DANIEL STCYR
PRIMARY EXAMINER

